IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT APPEAL NO : 532 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04/10/2002 in WP NO : 19501 OF 2002 on the file of the High Court.)

Between:

B.V. Krishna Kumar, S/o. B.N. Venkata Narasimloo,

R/o. Sairam Suman Residency, 1-1-540, Flat No. 102,
Gandhi Nagar, Hyderabad - 500 020.

..... APPELLANT

AND

1. V. Padma Rao, W/o. V. Laxmaiah, R/o. H.No. 1-1-17/D,

Industrial Housing Colony, Jawahar Nagar, Chikkadpalli,

Hyderabad.
2 V. Narender @ Hari, S/o. Late Yadagiri, R/o. 1-1-17/A,

Industrial Housing Colony, Jawahar Nagar, Chikkadpalli,

Hyderabad.
3 The Government of A.P., rep. by its Secretary, Revenue

(K.L.) Department, Secretariat, Hyderabad.
4 The Commissioner of Labour, Govt. of A.P., Hyderabad.
5 The District Collector, Hyderabad District, Hyderabad.
6 The Revenue Divisional Officer, Secunderabad Division,

Hyderabad.

7 The Mandal Revenue Officer, Musheerabad, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. G.VIDYASAGAR, Advocate.
Counsel for Respondent Nos. 1 and 2: Mr. G. Chandraiah, Advocate.
Counsel for Respondent Nos. 3 to 7: Government Pleader for Revenue.

The Court made the following Judgment: (per Sri B. Sudershan Reddy, J)

This writ appeal with the leave of this Court has been preferred against the Order dated 4.10.2002 made in W.P No. 19501 of 2002 by a learned single Judge of this Court.

Respondents 1 and 2 herein filed the writ petition claiming to be in possession of the house bearing D. No. 1-1-17/D and 1-1-17/A, constructed on the land admeasuring 116 square yards situated at Industrial Housing Colony, Jawaharnagar, Chikkadpally, Hyderabad, since 35 years. It is their case that respondents 3 to 7 without any authority of law made an attempt to dispossess them. It is under those circumstances, the writ petition has been filed. The writ petition has been disposed of by the learned single Judge of this Court directing respondents 3 to 7 not to interfere with the possession of the land in question without following the procedure prescribed under law. The order proceeded on the assumption as if respondents 1 and 2 are in possession and enjoyment of the property and they were entitled to remain to be in possession of the same.

Sri G. Vidyasagar, learned counsel for the appellant brought to our notice that the appellant herein filed O.P No. 239 of 1992 on the file of the Chief Judge, City Civil Court, Hyderabad-cum-Special Tribunal under the A.P Land Grabbing (Prohibition) Act against the father of the 2nd respondent as well as against the husband of the 1st respondent. The said O.P was allowed by the Special Tribunal vide order dated 15.9.1993 declaring them to be land grabbers within the meaning of the provisions of the said Act. That order has become final. The submission of the learned counsel for the appellant is that respondents 1 and 2 have suppressed the material facts and approached this Court with unclean hands and therefore, they are not entitled to any

relief under Article 226 of the Constitution of India.

Sri G. Chandraiah, learned counsel appearing on behalf of respondents 1 and 2/writ petitioners made an attempt to contend that they were not aware of any such order being passed by the Special Court. The learned counsel submitted that respondents 1 and 2 continue to be in possession of the land in question and they cannot be dispossessed except in accordance with law.

We are not inclined to believe and accept that respondents 1 and 2/writ petitioners were not aware of the proceedings in O.P No. 239 of 1992 on the file of the Special Tribunal. The predecessors in title of respondents 1 and 2 suffered an order inasmuch as they were declared as land grabbers. This vital fact is not placed before the Court. That fact alone is sufficient to dismiss the writ petition in limini on the ground of suppression of relevant and material facts. Respondents 1 and 2/writ petitioners have not approached this Court with clean hands and therefore, not entitled for grant of any relief.

It is for the appellant to execute the order passed by the Special Court in accordance with law. The claim of respondents 1 and 2/writ petitioners against the State and its officers, if any may have to be adjudicated on its own merits about which we do not propose to express any opinion. The appellant herein cannot be prevented from executing the lawful decree obtained from the Special Tribunal in O.P No. 239 of 1992.

The Writ Appeal is accordingly allowed. No order as to costs.

(B. Sudershan Reddy, J)

16..07..2004

(Ghulam Mohammed, J)

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SECTION OFFICER

To

1 Secretary, The Government of A.P., Revenue

(K.L.) Department, Secretariat, Hyderabad.
2 The Commissioner of Labour, Govt. of A.P., Hyderabad.
3 The District Collector, Hyderabad District, Hyderabad.
4 The Revenue Divisional Officer, Secunderabad Division,

Hyderabad.
5 The Mandal Revenue Officer, Musheerabad, Hyderabad.

6. 2 CCs to the Government Pleader for Revenue, High Court Buildings, Hyderabad.

7. 2 CD copies.